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EXTRAORDINARY

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PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 6th March, 2009/Phalguna 15, 1930 (Saka)

The following Act of Parliament received the assent of the President on the 6th March, 2009, and is hereby published for general information:—

THE AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 2009 No. 20 OF 2009

[6th March, 2009.]

An Act to amend the Agricultural and Processed Food Products Export Development Authority Act, 1985.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 13th October, 2008.

2. In the Agricultural and Processed Food Products Export Development Authority Act, 1985 (hereinafter referred to as the principal Act), in section 2,—

Amendment
of section 2.

(a) in clause (g), for the words “Scheduled products”, the words “Scheduled products or, as the case may be, Special products” shall be substituted;

(b) in clause (i), for the words “the Schedule”, the words “the First Schedule” shall be substituted;

(c) after clause (i), the following clause shall be inserted, namely:—

‘(j) “Special product” means any of the agricultural or processed food products included in the Second Schedule.’

Substitution of new section for section 3.

Power to amend the Schedule.

Amendment of section 4.

Insertion of new section 10A.

Functions in respect of Special products, etc.

Amendment of section 32.

Insertion of new section 35.

Validation

Amendment of the Schedule.

3. For section 3 of the principal Act, the following section shall be substituted, namely:—

“3. The Central Government may, having regard to the objects to this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, the First Schedule or the Second Schedule any agricultural or processed food product and on such addition, or as the case may be, omission, such product shall be, or shall cease to be, a Scheduled product or Special product as the case may be.”.

4. In section 4 of the principal Act, in sub-section (4), in clause (h), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) other Scheduled products or Special products industries;”.

5. After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A. Without prejudice to any law for the time being in force, it shall be the duty of the Authority to undertake, by such measures as may be prescribed by the Central Government for registration and protection of the Intellectual Property rights in respect of Special products in India or outside India.

Explanation.— For the purpose of this section “Intellectual Property” means any right to intangible property, namely, trade marks, designs, patents, geographical indications or any other similar intangible property, under any law for the time being in force.”.

6. In section 32 of the principal Act, in sub-section (2), after clause (h), the following clause shall be inserted, namely:—

“(ha) the measures for registration and protection of the Intellectual Property rights under section 10A;”.

7. After section 34 of the principal Act, the following section shall be inserted, namely:—

“35. All things done, or, omitted to be done, and all actions or measures taken, or, not taken, during the period beginning on or after the 13th day of October, 2008 and ending immediately before the date of commencement of the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, shall, in so far as they are in conformity with the provisions of this Act, as amended by the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under the provisions of this Act, as amended by the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009, as if such provisions were in force at the time such things were done or omitted to be done and actions or measures taken or not taken during the said period.”.

8. The Schedule to the principal Act shall be numbered as the First Schedule and after the First Schedule as so numbered, the following Schedule shall be inserted, namely:—

“THE SECOND SCHEDULE

[See section 2(j)]

Basmati rice.”

V. K. BHASIN,
Additional Secretary to the Govt. of India.